

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JASON MICHAEL GWYNNE,

Petitioner,

v.

Civ. No. 21-333 KG/SCY

RICK MARTINEZ and ATTORNEY  
GENERAL OF THE STATE OF  
NEW MEXICO,

Respondents.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Steven C. Yarbrough's January 17, 2024, Proposed Findings And Recommended Disposition ("PFRD"). Doc. 16. In that PFRD, Judge Yarbrough recommends that the Court deny Mr. Gwynne's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. 1) and dismiss this action with prejudice. *Id.* at 62. Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendation.

**IT IS THEREFORE ORDERED THAT:**

1. The Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition (Doc. 16);

2. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. 1) is DENIED and this case is DISMISSED with prejudice;
3. A certificate of appealability is DENIED; and
4. A final order is entered concurrently herewith.

**IT IS SO ORDERED.**

  
UNITED STATES DISTRICT JUDGE